

REMARKS

The rejections of Claims 1-4 under 35 U.S.C. §112, first paragraph, is deemed moot by reinsertion of "in a vicinity" in Claim 1. No new issue can be raised thereby.

The rejections of Claims 1-3 as being unpatentable over JP '696 and of Claim 4 as being unpatentable over JP '696 in view of JP '600, both under 35 U.S.C. §103(a), are respectfully traversed. Reconsideration is requested.

Applicants need not comment on the previously discussed JP '600 document as they earlier discussed salient differences between it (Yamamoto et al) and their invention in the Reply filed on May 11, 2009. Furthermore, at present, this reference is asserted only against dependent Claim 4. The JP '696 reference is central to the rejection of both claims and requires some discussion.

There is no pin fit-in hole portion in the JP '696 document that extends toward the pinion insertion hole. Although the Office Action asserts otherwise, it does not clearly articulate what that portion is and how it "extends". All it says is that "as defined the pin fit-in hole portion extends towards the pinion insertion hole". But just saying it does not make it so.

Nor does the Office Action make a *prima facie* case of obviousness based on substantial record evidence with regard to the claimed location of the pin fit-in hole on a line that extends through a center of rotation of the outer race and a center of pinion rotation. Indeed, the Office Action candidly acknowledges that

the JP '696 document contains no such teaching. Instead, using the motivation provided by Applicants' teachings in this application, the final rejection now asserts that placing the pin as claimed herein would have been obvious in order to "optimize" the angle...in order to find the best positioning of the sway mechanism." But the Office Action doesn't explain why one skilled in the art would have been led to do that for the purpose of making sure the backlash would be reduced to a minimum. As a matter of fact, the JP '696 approach is much different and didn't recognize the need for precisely locating the pin fit-in hole on a particular line.

In addition, however, the final rejection uses circular reasoning in further asserting the obviousness of trying a zero angle. The record is silent as to why one skilled in the art would have been motivated to make such an attempt to minimize backlash absent the benefit of Applicants' teaching.

Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

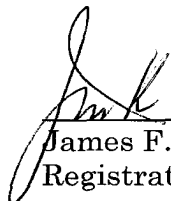
Serial No. 10/551,839
Amendment Dated: December 3, 2009
Reply to Final Office Action Mailed: August 3, 2009
Attorney Docket No. 080306.56872US

please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket # 080306.56872US).

Respectfully submitted,

December 3, 2009



James F. McKeown
Registration No. 25,406

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JFM/cee